

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,

Plaintiff,

v.

CALLIDUS SOFTWARE INC.,

Defendant.

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Case No. 2:12-CV-799-JRG-RSP

ORDER

Before the Court is Defendant Callidus Software Inc.'s Motion to Dismiss (Dkt. No. 19, filed February 25, 2013). The Magistrate Judge filed a report recommending that the motion be denied. (Report and Recommendation, Dkt. No. 29).

After reviewing the objected to portions of the Report and Recommendation de novo, the Court finds that the Report and Recommendation should be, and is hereby, ADOPTED. Accordingly, Callidus Software Inc.'s Motion to Dismiss (Dkt. No. 19) is **DENIED**.

So ORDERED and SIGNED this 9th day of September, 2013.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE